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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,984	10/30/2003	James D. Dale	1062/D74	7856
2101	7590	02/21/2006	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,984	DALE, JAMES D.	
	Examiner	Art Unit	
	Carlos Lugo	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12,18-21,23-26,30-34,39,40 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-12,18,21,23-26,30,31,34,39,40,44 and 47 is/are rejected.
- 7) ☒ Claim(s) 6,19,20,32,33,45 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachments #1 and #2</u> . |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on December 19, 2005.

Information Disclosure Statement

2. The applicant submits an Information Disclosure Statement on December 15, 2005 providing references from FN-GF. From that set of references, the examiner only consider and initial references GE and GF. References from FN-GB were previously cited by the examiner in the last PTO-892 provided in the last Office Action mailed on September 23, 2005. As to references GC and GD, the references were not considered because are the same references presented in GE and GF, previously considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1,4,7-12,18,21,23-26,30,31,34,39,40,44, and 47 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,073,521 to Mena.

Regarding claims 1,21,34 and 47, Mena discloses a door locking system comprising an assembly (13) including a latching structure having a first undercut feature (33 and 34).

A door (14) is movably coupled to the assembly. The door includes a latch member having a second undercut feature (32 and 35) that in a closed position of the door, it will engage the first undercut feature.

A movable member (16) for applying a force to maintain the engagement of the first and second undercut features to keep the door latched.

As to claim 4, Mena discloses that the latch member includes a post extending from the door that includes the second undercut feature (the curve between 32 or 35 and 14, Figure 2).

As to claim 7, Mena discloses that the movable member (16) is capable of generating a continuous force against the at least one of the assembly and the door.

As to claim 8, Mena discloses that the movable member (16) is coupled to one of the door and the assembly.

As to claim 9, Mena discloses that the movable member (16) is positioned between the door and a surface of the assembly.

As to claims 10,24 and 39, Mena discloses that the movable member (16) is an expandable member.

As to claims 11,25 and 40, Mena discloses that the expandable member is a bladder (16).

As to claims 12 and 26, Mena discloses that the system further comprises a pneumatic circuit (39) for controlling the movable member.

As to claims 18,31 and 44, Mena discloses that the moveable member (16) contacts the at least one of the assembly and the door.

As to claim 23, Mena illustrates that the system further comprises a handle (29) attached to the second engagement means (by means of the door 14).

As to claim 30, Mena discloses that the moveable member is between the door and the assembly.

5. **Claims 1,4,9,10,18,21,24,30,31,34, and 39 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 1,133,254 to Backus.

Regarding claims 1,21 and 34, Backus discloses a door locking system comprising an assembly (box) including a latching structure (6) having a first undercut feature (10).

A door (18) is movably coupled to the assembly. The door includes a latch member (15) having a second undercut feature (16) that in a closed position of the door, it will engage the first undercut feature.

A movable member (9) for applying a force to maintain the engagement of the first and second undercut features to keep the door latched.

As to claim 4, Backus discloses that the latch member includes a post (where 15 is pointing in Figure 3) extending from the door that includes the second undercut feature (the curve between 32 or 35 and 14, Figure 2).

As to claim 9, Backus illustrates that the movable member (9) is positioned between the door and a surface of the assembly (Figure 2).

As to claims 10,24 and 39, Backus discloses that the movable member (9) is an expandable member.

As to claims 18 and 31, Backus discloses that the moveable member (9) is operatively coupled to contact the at least one of the assembly and the door (by means of the latching structure).

As to claim 30, Backus illustrates that the moveable member (9) is between the door and the assembly (Figure 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 5 and 23 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 1,133,254 to Backus.

Backus fails to disclose that the latch member includes a handle to operate the latch. Backus discloses that the latching structure is the one that includes a handle (26) to operate the latch.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the latch member with the handle instead of the latching structure, since the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art that will not affect the disengagement of the latch.

Allowable Subject Matter

8. **Claims 6,19,32 and 45 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20,33 and 46 would be allowed because the claims depend from claims 19,32 and 45 respectively.

Response to Arguments

9. Applicant's arguments filed on December 19, 2005 have been fully considered but they are not persuasive.

The applicant argues that Mena fails to disclose an assembly including a latching structure having a first undercut feature; a door including a latch member having a second undercut feature capable of being engaged by the first undercut feature; the second undercut feature is required to move beyond the first undercut feature in order to open and close the door; and a movable member to produce a force to prevent movement of the second undercut feature beyond the first undercut feature to lock the door in a closed position (Page 13 Line 9). The arguments are not persuasive.

As seen in attachments #1 and #2, Mena illustrates an assembly 13 wherein includes a latching structure includes an "undercut feature" that engages another "undercut feature" at the door. A moveable member (16) will expands so that the undercut features fully engage so as to latch the door. Therefore, Mena discloses every limitation presented in the claims. The rejection is maintained.

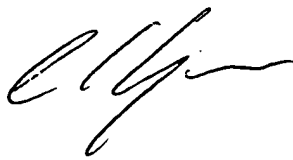
Further, a new rejection has been made on the record in view of Backus. At the instant, Backus also discloses every limitation claimed in the claims, including the limitations in claims 5 and 23 that were previously indicated as being objected.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

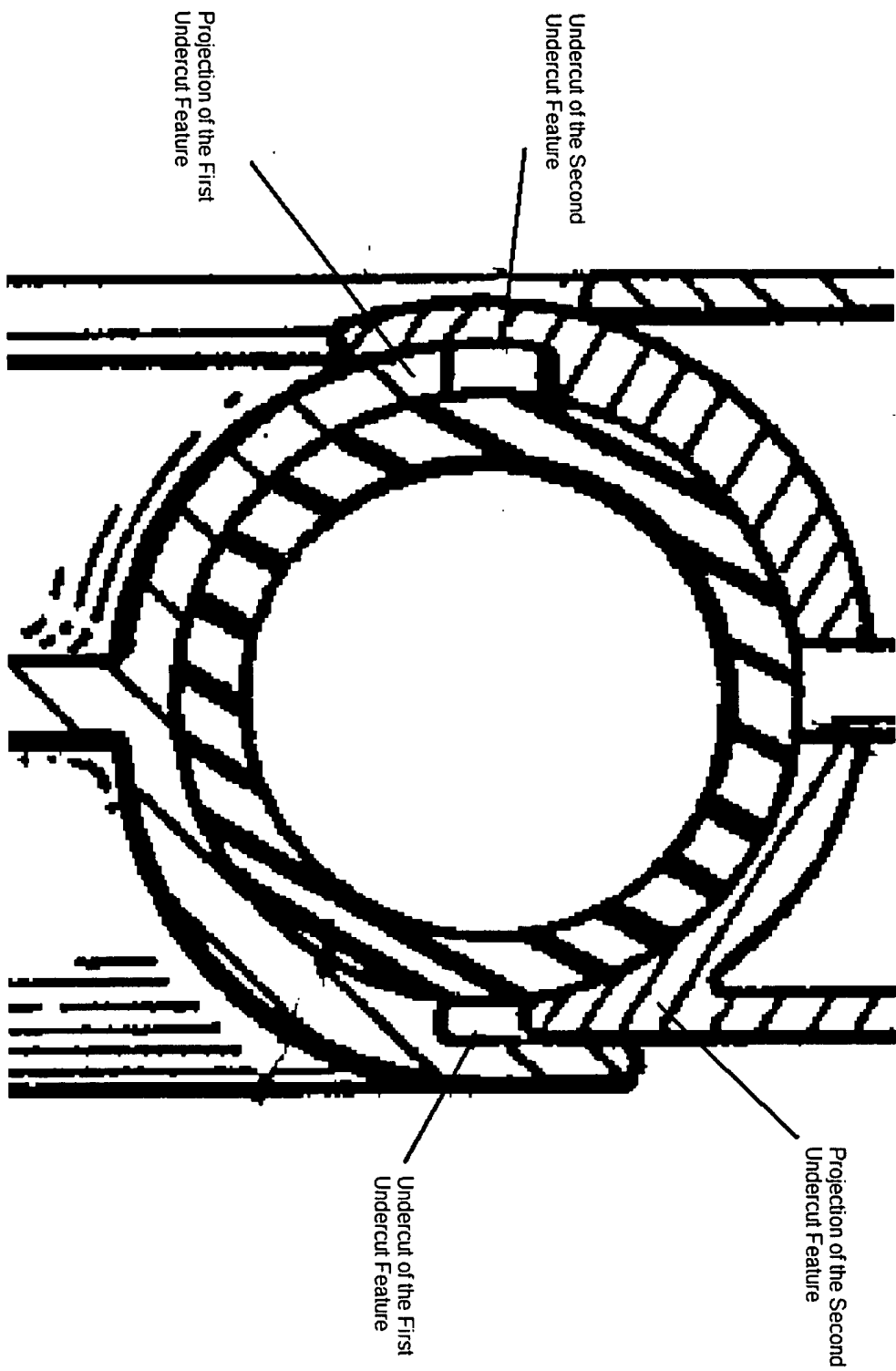
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

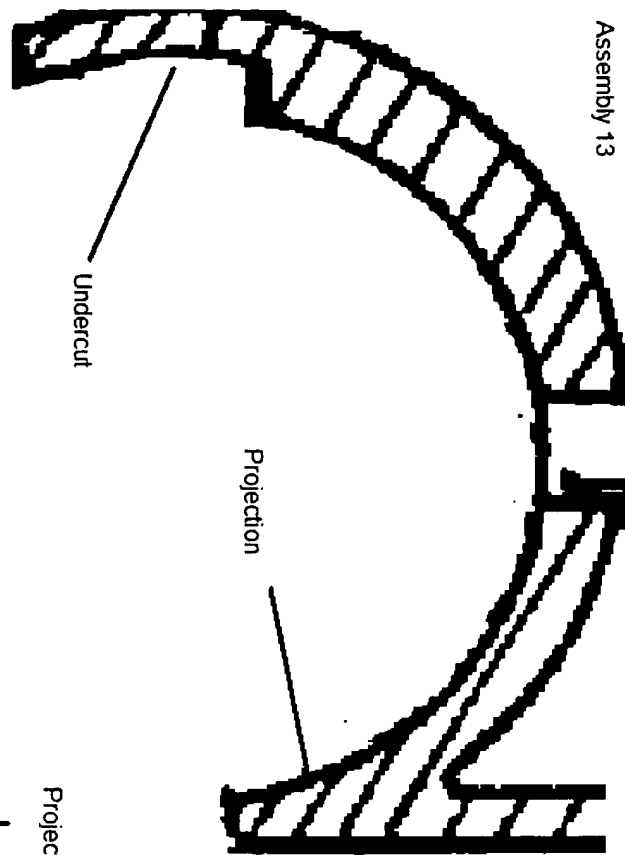


Carlos Lugo
Patent Examiner
AU 3676

February 8, 2006.



Assembly 13



Projection

Undercut

Undercut

Attachment #2

Undercut

Projection



Door 14